

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL UNDERWOOD,

Plaintiff,

-against-

TAFSC HOUSING DEVELOPMENT FUND, THE
THIRD AVENUE FAMILY SERVICE CENTER, INC.,
LINDA WASHINGTON, CITY OF NEW YORK, NEW
YORK STATE HOMELESS HOUSING AND
ASSISTANCE CORPORATION

Defendants.

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**DEFENDANT CITY OF NEW
YORK'S NOTICE OF MOTION
TO DISMISS THE
COMPLAINT**

18-cv-06664 (JPO)

PLEASE TAKE NOTICE that upon the annexed Declaration of Assistant Corporation Counsel Elizabeth H. Robins, dated November 14, 2018, and the exhibits annexed thereto, the accompanying Memorandum of Law in Support of Defendant City of New York's Motion to Dismiss the Complaint, dated November 14, 2018, and upon all the papers and proceedings previously had herein, Defendant City of New York ("City Defendant") will move this Court at the United States Courthouse for the Southern District of New York, 40 Foley Square, New York, New York, 10007, before the Honorable J. Paul Oetken, United States District Court Judge, at a time and date to be designated by the Court, for a judgment, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, dismissing the Complaint against the City Defendant on the grounds that the Complaint fails to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that pursuant to this Court's order dated October 30, 2018, opposing affidavits and answering memoranda are due to be served on or

before November 28, 2018, and reply affidavits and memoranda of law shall be served on or before December 5, 2018.

Dated: New York, New York
November 14, 2018

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By: /s/ Elizabeth H. Robins
Elizabeth H. Robins
Assistant Corporation Counsel

cc: **BY E-FILE**
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18-cv-06664 (JPO)
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK
<p>MICHAEL UNDERWOOD,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">-against-</p> <p>TAFSC HOUSING DEVELOPMENT FUND, THE THIRD AVENUE FAMILY SERVICE CENTER, INC., LINDA WASHINGTON, CITY OF NEW YORK</p> <p style="text-align: right;">Defendants.</p>
DEFENDANT CITY OF NEW YORK’S NOTICE OF MOTION TO DISMISS THE COMPLAINT
<p style="text-align: center;">ZACHARY W. CARTER <i>Corporation Counsel of the City of New York</i> Attorney for Defendant City of New York 100 Church Street, Room 2-109g New York, New York 10007</p> <p style="text-align: center;">Of Counsel: Elizabeth H. Robins Telephone: (212) 356-4539 Matter No.: 2018-057327</p>
<p><i>Due and timely service is hereby admitted.</i></p> <p><i>Dated: New York, New York.....2018</i></p> <p><i>Signed:</i></p> <p><i>Attorney for</i></p>